

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4565 of 1998

GORDHANBHAI NATHABHAI PATEL

Versus

COMMISSIONER OF EMPLOYEES PROVIDENT FUND

Appearance:

MR KS JHAVERI for Petitioner

CORAM : MR.JUSTICE S.D.PANDIT

Date of Order: 25/06/98

ORAL ORDER

Gordhanbhai Nathabhai Patel has filed this petition seeking directions against the respondents to pay him the amount of Rs. 39,670/- with interest lying in the P.F. Account No. GJ/1372/61 in the name of Shri Gopalbhai Venibhai Patel. The petitioner is the son of Kashiben Nathabhai who is the sister of said deceased Gordhanbhai Nathabhai Patel. It is the claim of the petitioner that Gordhanbhai Nathabhai Patel made a nomination in favour of said Kashiben and that fact was informed to her by the employer. Admittedly, Kashiben Nathabhai the mother of the present petitioner has died before the actual payment of the P.F. amount was made to her as per the nomination. It is settled law that the nomination does not create a title. By nomination, the nominated person is authorized to receive the amount. Now, the person who was nominated by the original contributor to the P.F. has died. Present petitioner, even though he happens to be the son of the nominee will have either to obtain a succession certificate in his favour to receive the said amount or to get a declaratory decree declaring him as the sole heir of Gopalbhai Venibhai Patel. He cannot come before this court without any such succession certificate or a declaratory decree in his favour seeking directions to receive the P.F. amount of Gopalbhai Venibhai Patel.

2. Therefore, the petitioner will have to obtain necessary succession certificate or a declaratory decree declaring him as sole heir of Gopalbhai Venibhai Patel

for receiving the said amount of P.F. On his presentation of the said certificate/declaratory decree, the authorities will have to take appropriate action and pay the said amount to the petitioner as early as possible. With these observations present petition deserves to be dismissed and the same is dismissed summarily. No costs.

(S.D.Pandit.J)